

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

NOV 08 1996

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA

v.

CASE NUMBER 1:96M31 ✓

CASE NUMBER 1:96M33-02

JAMES R. ROGERS,
Defendant.

MOTION FOR REVOCATION OF DETENTION ORDER PENDING TRIAL

Comes now the defendant, (hereinafter referred to as "Mr. Rogers") through counsel, pursuant to 18 USC 3145 (b) and hereby requests that the detention order of the magistrate be revoked and that Mr. Rogers be released pursuant to 18 USC 3142 pending trial, based upon the following:

- 1) On October 17, 1996, the magistrate conducted a Preliminary Hearing and a Detention Hearing as to Mr. Rogers;
- 2) By Order filed October 22, 1996, the magistrate detained this defendant. At the hearing, the magistrate found, by a preponderance of the evidence that Mr. Rogers did NOT present a risk of nonappearance (not a risk of flight). The magistrate found by a preponderance of the evidence, that Mr. Rogers had substantial community and family ties; had no history of drug or alcohol abuse; had no criminal record; and will have gainful employment if released;

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